

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MANUEL WILLIAMS,

Petitioner,

v.

Case No. 04-C-0327

GREGORY D. GRAMS, Warden of
Columbia Correctional Institution,

Respondent.

ORDER

The petitioner, who is proceeding pro se, filed his petition for a writ of habeas corpus on April 1, 2004. The respondent filed an answer to the petition and on June 29, 2004, the court established a briefing schedule on the petitioner's petition. The petition for a writ of habeas corpus is fully briefed and is awaiting the court's decision.

On June 17, 2005, the petitioner filed a request to dismiss the petition which was denied by the court on July 6, 2005. In its decision, the court explained that Rule 41 of the Federal Rules of Civil Procedure governs dismissal of actions and that, under the rule, a plaintiff may voluntarily dismiss an action without order of the court either 1) by filing a notice of dismissal at any time before service of an answer or summary judgment motion by the opposing party or 2) by filing a stipulation of dismissal signed by all parties to the action. Since the respondent filed an answer, the petitioner was advised that he could not dismiss the petition on his own.

The petitioner also requested the court to send him copies of every document filed in this case. This request was denied.

The petitioner filed another request for voluntary dismissal on July 11, 2005. For the reasons stated in the court's order of July 6, 2005, this request will be denied.

On July 18, 2005, the petitioner filed a motion for reconsideration of the court's order denying his request for copies of court documents in his case. In his motion, the petitioner states that he was transferred to Columbia Correctional Institution on December 21, 2004, and that his copies of his briefs filed with the court and other documents are missing. He states that he has inquired about his property "via complaints and verbal communication with the property and mail officers," but does not indicate their responses. (Petitioner's Motion for Reconsideration at 2). The petitioner states: "If I am to appeal, how am I to appropriately prepare a proper appeal with doubt (sic) copies of my briefs?" Id. The petitioner requests that the court provide him with copies of his briefs and any orders filed before January 2005. Id.

A review of the court docket reveals that 34 documents were filed in this case by December 31, 2004. They include the briefing schedule on the petitioner's petition, motions for extension of time, and certificates of service, as well as the briefs of the parties. Many of these documents requested by the plaintiff would not necessarily be needed for an appeal. Since the court has not yet issued a decision on the petitioner's petition for a writ of habeas corpus, any discussion of an appeal is premature and, therefore, the petitioner's request for copies of documents to prepare his appeal also is premature. In addition, prison officials may locate the missing documents before the time for appeal. In light of the foregoing, the petitioner's motion for reconsideration (Docket # 46) will be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petitioner's motion for reconsideration (Docket # 46) be and hereby is **denied**.

Dated at Milwaukee, Wisconsin this 10th day of August, 2005.

BY THE COURT:

s/ Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge